

Personnel Management Information

The Supervisor's Role: When an Employee is Injured on the Job

**State of California
Department of Personnel Administration
Workers' Compensation Program**

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Introduction

As a supervisor, you need to be familiar with workers' compensation and how it applies to your employees. This booklet provides you with a summary of the State's Workers' Compensation Program and outlines your responsibilities in the event that one of your employees has an on-the-job injury. Read this booklet carefully. It is designed to answer many of your questions regarding workers' compensation and your role in the program.

Workers' Compensation Definitions

Workers' Compensation

The workers' compensation system was established to provide benefits to employees who sustain a work-related injury or illness. Benefits include medical treatment, temporary disability payments for lost wages, permanent disability payments for diminished future earning capacity, and death benefits to an employee's dependent(s). Under workers' compensation law, an employee receives benefits if he or she is injured no matter who is at fault.

All State employees are covered by workers' compensation. The cost of this protection is completely paid by the State of California, the employer. The employees make no contribution. Benefits are tax-free and not subject to Social Security deductions.

Work-Related Injury

Throughout this booklet, the term "work-related injury" will be used to describe any injury or illness that occurs during the course of employment and results from work or working conditions.

Example of an injury: An employee sprains his or her back while lifting a heavy box at work.

Example of an illness: An employee gets a skin rash as a result of exposure to chemicals or solvents used at the work site.

State Compensation Insurance Fund (SCIF)

SCIF administers workers compensation claims on behalf of the State of California, the employer. SCIF makes all liability determinations and ensures that an injured worker receives the benefits to which he or she is entitled. SCIF offices are located throughout the state. These offices are listed on the back of the *Employer's Report of Occupational Injury or Illness* (SCIF 3067), in the State Directory under Industrial Relations, or on SCIF's website at: www.scif.com/statecontracts/locations/index.html

Return-to-Work Coordinator

Each State department has someone designated as the Return-to-Work Coordinator, Departmental Claims Coordinator, or departmental designee. This person is responsible for managing the workers' compensation cases for your department. This person is also responsible for advising supervisors and employees on the workers' compensation process and the benefits to which an injured employee may be entitled. Your Return-to-Work Coordinator can assist you in dealing with questions regarding an employee's claim for workers' compensation. Contact your personnel office for the name and phone number of your Return-to-Work Coordinator.

The Return-to-Work Coordinator is responsible for assisting injured employees in returning to work as soon as medically feasible. The Return-to-Work Coordinator will rely on you to provide him or her with updated medical slips, information on the availability of transitional duty (e.g., light duty), or the ability to permanently modify the employee's usual and customary job.

Your Responsibilities

Before an Injury Occurs

Post *Notice to Employees* (SCIF (e)13913, (e)13914) in a conspicuous location. The notice should contain the names and phone numbers of your employer selected physician, hospital and ambulance, as well as phone numbers for local fire, police and the Information and Assistance Officer.

The law requires each employer to provide a safe place of employment. Each department is required to have a comprehensive Injury and Illness Prevention Program (IIPP) (LC §6401.7). The IIPP focuses on preventing the types of injuries and illnesses most common in your work environment. You are required to know the elements of your department's IIPP and train your employees on various policies and procedures to be followed. Contact your department's Health and Safety Officer to obtain a copy of the IIPP.

Despite efforts to prevent injuries, they still occur. Therefore, you need to instruct your employees to report any and all incidents of work-related injury as soon as possible.

To limit accidents, take the following steps:

- Hold regular safety meetings to discuss potential hazards;
- Orient your employees to the department's emergency plan and evacuation procedures; and
- Provide training to employees on cardiopulmonary resuscitation (CPR) and first aid to enhance your ability to respond to emergency situations.

A work-related injury can occur when it is least expected. Knowing what to do when an injury occurs gives your employees assurance that they will be cared for properly.

After An Injury Occurs

In the event of an on-the-job injury, supervisors must ensure employees receive prompt and proper medical care, if such care is believed necessary by either the supervisor or the employee.

For injuries requiring immediate emergency assistance, dial 911 (or 9-911, if your office requires that you dial 9 for an outside line). If needed, have a trained individual administer first aid or CPR. If emergency treatment is not needed but it appears that medical treatment is required, arrange for treatment by an employer-selected physician. This physician is listed on the *Notice to Employees* poster (SCIF (e)13913, (e)13914).

Note: If you are referring the injured employee to treat with your employer selected physician, then you must provide him or her with the *Guide to the State Fund Medical Provider Network for State of California Employees* brochure (SCIF e13174). An appointment for non-emergency medical treatment must be made for the injured employee within three working days from your department's notice of an injury. For information regarding your department's MPN process contact your department's Return-to-Work Coordinator or designated MPN contact.

If an employee has predesignated a treating physician or medical group, the employee has the right to seek medical treatment with that physician. The employee must have given the department written notification of the name of the physician prior to the date of injury. You or someone you designate is responsible for accompanying the injured employee to the doctor.

While at the doctor's office, find out from the doctor if the injured employee will be able to return to work. If the employee is not able to return to work immediately, find out how long the employee will be off work. Your description of the employee's normal duties, or of alternate "light duty" work that may be available, may help the doctor make a decision. In this way, you may save the employee lost time from work, assist in conserving sick leave or other leave credits, and reduce your workers' compensation costs.

Reporting the Injury

Within one working day of finding out that there's been an injury or illness, you must give the employee a *Workers' Compensation Claim Form & Notice of Potential Eligibility* (SCIF 3301). You may also provide the employee with the *I've Just Been Injured on the Job, What Happens Now?* brochure available on the DPA website at:

<http://www.dpa.ca.gov/benefits/workers-comp/main.htm>

When the employee returns the SCIF 3301, complete the employer's section. Once you have completed the form, give the employee his or her copy and forward the remaining form to your department's Health and Safety/Workers' Compensation Unit. The employer is required to provide SCIF with the completed SCIF 3301 within five calendar days of receipt.

Note: Once a completed SCIF 3301 has been received from the employee, authorization for medical treatment must be given within one working day. Employers are responsible for paying up to \$10,000 in medical treatment until a claim is denied. If a claim is accepted medical treatment will continue to be paid by the employer.

As a supervisor or manager, you must also complete the *Employer's Report of Occupational Injury or Illness* (SCIF 3067(e)). The law requires you to complete this form for (1) any work-related injury or illness resulting in lost time beyond date of injury, or (2) any work-related injury requiring medical treatment beyond first aid.

Once you have completed the SCIF 3067 forward it to you department's Health and Safety/Workers' Compensation Unit. Your department must provide this completed form to SCIF within five calendar days from the employer's date of knowledge that a work-related injury has occurred. Late reporting could cause a delay in the employee receiving benefits, and penalties may be assessed against your department.

Contact your Health and Safety/Workers' Compensation Unit to obtain copies of the SCIF 3301 and SCIF 3067(e). Refer to the *Workers' Compensation Claims Kit* for instructions on how to complete these forms. To obtain a copy of this kit, contact the Department of Personnel Administration's Workers' Compensation and Safety Program at (916) 445-9760. You may also access this kit online at: <http://www.dpa.ca.gov/benefits/workers-comp/main.htm>

Maintaining Contact with Your Injured Employee

One of the most important responsibilities of a supervisor is to maintain contact with any employee who is injured on the job. Your support and encouragement during the period of disability will help the employee feel connected to the workplace and will contribute to the employee's desire to return to work as soon as it is medically feasible.

Disabling injuries can cause acute family and financial problems. These personal problems can interfere with the employee's recovery. Your objective should be to maintain a support network for the employee. If your employee is too ill to maintain direct contact, work with his or her representative to ensure that his or her needs are met to the best of your ability. Show that you are interested in his or her welfare and that you sincerely want to do what is best for the employee. Make the employee feel important and needed by keeping him or her abreast of current events in the workplace. Encourage co-workers to maintain ongoing contact with the injured worker as well.

Return-To-Work Assistance

Transitional Duty Assignments

You should ease the injured employee's early return-to-work through transitional duty (e.g., light duty). The employee's normal job can be restructured, or the employee can be assigned to another position, until recovery allows a return to normal work activity. Such temporary assignments should be encouraged and allowed without loss of pay. By minimizing the disability time in this way, the injured employee can ease back into a regular work routine. The employee's physician, your departmental Return-to-Work Coordinator, and the SCIF claims representative are available to assist you in determining the feasibility of a transitional duty assignment.

Return-to-Work Meetings

The purpose of a return-to-work meeting is to bring together people concerned about an injured employee to help create a return-to-work plan. Attendees may include a facility or regional Return-to-Work Coordinator, someone from your personnel office, a SCIF claims representative, a vocational rehabilitation counselor, and the employee's first-line supervisor.

Workers' Compensation Benefits

Medical Care

Treatment that is reasonably required to cure or relieve the effects of the injury is paid for by the employer. This includes medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including orthotic and prosthetic devices (LC §4600).

Medical treatment will be based on the American College of Occupational and Environmental Medicine's Occupational Medicine (ACOEM) Guidelines until the Administrative Director publishes the official Medical Treatment Utilization Schedule per LC §5307.27.

Temporary Disability Benefits

The State offers various types of temporary disability benefit programs under workers' compensation: Temporary Disability, Industrial Disability Leave, Enhanced Industrial Disability Leave, and Labor Code Section 4800/4800.5 Time.

Before benefits start, most disabled employees will serve a waiting period of three calendar days. The waiting period need not be consecutive days. Partial days of

absence for doctor appointments or authorized periods of disability may be accumulated to full days and charged to the 24-hour waiting period (three calendar days). The waiting period is waived if the employee is hospitalized, if the injury was caused by a criminal act of violence, or if the employee is disabled more than 14 calendar days.

TEMPORARY DISABILITY (TD) payments start on the fourth day of approved absence from work due to a work-related injury. TD is based on two-thirds of gross pay at the time of injury. The Legislature determines the benefit rates available under TD. For injuries that occur on or after April 19, 2004, there is a limit of two years of TD paid per claim. The law allows State employees to supplement TD payments with accrued leave credits up to the amount of their full net pay.

INDUSTRIAL DISABILITY LEAVE (IDL) payments are available only to active members of the California Public Employees' Retirement System (CalPERS) or the California State Teachers' Retirement System (CalSTRS). This benefit is a salary continuation program that is significantly better than the standard TD benefit. IDL is available to employees for 52 weeks within a two-year period from the first day of disability. IDL payments are based on the employee's full net pay for the first 22 working days of disability and after that are calculated at two-thirds of the employee's gross pay. All excluded employees and rank-and-file employees in all Bargaining Units (except Bargaining Unit 5) can supplement IDL payments with accrued leave credits up to the amount of their approximate full net pay.

ENHANCED INDUSTRIAL DISABILITY LEAVE (EIDL) is an augmentation to the IDL program that provides "full net pay" for an eligible employee for one to three years. Check the specific provision of the memorandum of understanding that applies to your employee to determine eligibility and the length of time the benefit may be provided.

LABOR CODE SECTION 4800/4800.5 is a special benefit available only to eligible peace officers who work for the Department of Justice and the California Highway Patrol. It provides up to one year of full pay for injuries incurred in the line of duty.

The Return-to-Work Coordinator, personnel office, or SCIF can provide detailed benefit information to the injured employee. Some departments encourage first-line supervisors to participate in benefit information counseling, so that the supervisor is better prepared to assist the employee.

Permanent Disability Benefits

Permanent Disability (PD) payments are made to compensate an injured employee for his or her diminished future earnings capacity because he or she has permanent impairments or limitations resulting from the injury (LC§4061). An injured employee can receive PD payments and return to work full duty.

However, the PD payments can be reduced by 15 % if the employer offers the injured

employee regular, modified, or alternative work within 60 days of his or her Permanent and Stationary date. The modified or alternative work must pay at least 85% of the date of injury salary, last at least 12 months, be within a reasonable commuting distance, and accommodate the work restrictions. The 15% reduction takes place from the date of the offer and affects future payments. If the employer does not offer modified or alternative work then future PD payments are increased by 15% after the 60 day period has expired.

Vocational Rehabilitation

Vocational Rehabilitation Services apply to dates of injury that occurred on or before December 31, 2003. An injured employee may be eligible for services if he or she is a qualified injured worker (QIW) and unable to return to his or her usual and customary occupation. These benefits may include modified or alternative work assignments, job placement, on-the-job training, self-employment, and retraining. An injured employee may be entitled to receive a vocational rehabilitation maintenance allowance (VRMA, see LC§4635) while participating in vocational rehabilitation.

Note: Vocational rehabilitation services have been eliminated effective January 1, 2004 and replaced with supplemental job displacement benefits (SJDB).

Supplemental Job Displacement Benefit (SJDB)

For dates of injury occurring on or after January 1, 2004, an injured employee may be eligible for the SJDB. The SJDB is a voucher for a retraining or skill enhancement program at a state approved or accredited school. The voucher can range in value up to \$10,000 based on the level of an injured employee's permanent disability and can be used towards tuition, fees, books, vocational rehabilitation counselor services, and other related expenses. There is no longer a provision for VRMA.

To be eligible, an injured employee must not have returned to work with his or her employer within 60 days after the temporary disability period ends and he or she must have a permanent disability. However, the employer is not liable for the SJDB if they offer the injured employee regular, modified or alternative work within 30 days of his or her temporary disability period. The modified or alternative work must pay at least 85% of the date of injury salary, last at least 12 months, be within a reasonable commuting distance, and accommodate the work restrictions.

Death Benefits

Benefits may be paid to surviving dependents if a work-related injury leads to death within 240 weeks of the original day of injury. The benefit is determined by the Legislature. Benefits are paid in weekly installments. Minor children are presumed to be total dependents and continue to receive the weekly benefit until they reach the age of 18. However, dependent children who are mentally or physically incapacitated from earning will continue receiving benefits for life. Additionally, the employer is responsible

for providing reasonable burial expenses not to exceed \$5,000 (Labor Code §4701).

State employees who are members of CalPERS are entitled to various benefits in the event of death under the Government Code and any applicable memorandum of understanding. Since benefits vary, an employee's death must be reported to CalPERS for an actual determination of what death benefits will be paid in each case. However, we're providing the following summary of benefits for general information.

All members are entitled to Group Term Life Insurance, which is a \$5,000 lump sum benefit that is payable to a member's beneficiary. Members who are not covered by Social Security are covered by the 1959 Survivor's Benefit. This benefit provides a monthly allowance to the eligible spouse and dependent children.

The Basic Death Benefit, which consists of a return of member contributions and six months of pay, will become payable to the beneficiary of a member who was not eligible to retire at the time of death and if the Special Death Benefit (see below) is not to be paid. For those members who were eligible to retire or who were credited with more than 20 years of service at the time of death, eligible survivors can receive a monthly allowance instead of the lump sum benefit.

The Special Death Benefit, also payable as a monthly allowance, is provided for any member whose death was the result of a violent act committed on his or her person while performing his or her official duties. In addition, this special death benefit is payable to the eligible survivor of a peace officer/firefighter, safety, or patrol member whose death was work related.

Supervisor's Checklist

1. Know the names and phone numbers of your department contacts for questions related to employee safety and workers' compensation.
2. Know your department's Injury and Illness Prevention Plan.
3. Have an emergency treatment plan to ensure that any employee who is injured or ill receives prompt and proper medical care at, or near, the worksite.
4. Accompany the injured employee to the doctor if medical treatment is needed. Ask the doctor about the employee's ability to return to work. If referred to an MPN provider (employer selected physician), give the *Guide to the State Fund Medical Provider Network for State of California Employees* brochure (SCIF 13174) to the injured employee.
5. Provide the injured employee with a *Workers' Compensation Claim Form & Notice of Potential Eligibility* (SCIF 3301) within 24 hours of knowledge of the injury or illness.
6. Submit a completed *Employer Report of Occupational Injury or Illness* (SCIF 3067) within five calendar days to your department's Return-to-Work Coordinator or the nearest SCIF office listed on the back of the form.
7. Maintain regular contact with your employee during his or her recovery period. Encourage coworkers to do the same.
8. Minimize the employee's time off work by creating "transitional" duty assignments to ease the transition back to work as soon as it is medically feasible.

Contacts

Health and Safety Officer: _____

Phone: _____

Return-to-Work Coordinator: _____

Phone: _____

Nearest SCIF Office: _____

Phone: _____

Department's Medical Provider: _____

Phone: _____

Department's MPN Contact: _____

Phone: _____

Date: _____